

**METROPOLITAN NASHVILLE-DAVIDSON COUNTY
TRANSPORTATION LICENSING COMMISSION**

Minutes of

July 27, 2004

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (the "Commission") met in regular session on this date at the Metropolitan Nashville General Sessions Judicial Complex in Metro Center. The Commissioners present were Chair Cynthia Odle, Vice-Chair Sammye Woods, and Commissioners Roger Abramson, Ray Dayal, Gladys Lozada, Holly Sharp, and James Utley (7). Also attending were Phil Baltz from Metro Legal, Commission staff members Larry Ennis and Lisa Steelman, and Brian McQuiston, Director-Executive Secretary to the Commission.

Chair Cynthia Odle called the meeting to order and led the Pledge of Allegiance.

Chair Cynthia Odle introduced new **Commissioners Mr. Ray Dayal and Ms. Gladys Lozada**, and thanked them for their willingness to serve on the Commission.

The minutes of the June 22, 2004 meeting were unanimously approved.

PUBLIC HEARING ON TAXI AND CARRIAGE ISSUES

Chair Cynthia Odle welcomed representatives from the taxi and carriage industries, and informed attendees that the first three items on the agenda would be presented in a public hearing.

Changes to Taxi and Carriage Driver Background Check Requirements: Director Brian McQuiston informed Commissioners that the Metro Legal department had notified him of a state law, T.C.A. 6-54-128, which mandates that the Commission require all applicants for carriage and taxi driver permits to undergo fingerprint-based identification and criminal background checks. Both this state law and the Metro Code of Laws sections related to driver permits stipulate that the cost of conducting background checks may be included in costs to the drivers. Mr. McQuiston noted that the current background check was inadequate, in that it provided Davidson County-only information on applicants. He informed Commissioners that he had worked with the TBI and the Metro Finance Department to contract with the state's service provider to perform the fingerprinting; fingerprints will be forwarded by the contractor to the TBI, which will perform the necessary background checks, and provide results to the Commission. Cost to each driver for the fingerprinting and background check will be \$75. Mr. McQuiston proposed that the Commission revise Commission Rules to enable the fee increase, require all taxi drivers to complete the new background checks before renewal of annual permits in September 2004, and require all carriage drivers to complete the new background checks before renewal of annual permits in March 2005. He acknowledged that the increased fee could present a financial burden for many taxi drivers, because they would have to undergo the new checks soon in order to renew their permits in September. **Chair Cynthia Odle** then invited comments from the public.

Several people were concerned about the cost and the short time frame available for taxi drivers to complete the fingerprinting. Mr. McQuiston responded that the timing was unavoidable. The staff had only recently been made aware of the state law, and it had taken several weeks to make sure it could be implemented. Taxi drivers can begin fingerprinting in early August, but would not have to get it done until they applied for their permit renewals later in September.

A question was raised concerning whether fingerprints already on file with the TBI for other purposes could be used, or if drivers have to be re-fingerprinted. Mr. McQuiston said he would ask the TBI if they could use fingerprints already in their files.

Someone asked if the \$75 and fingerprinting would be a one-time or an annual requirement. Mr. McQuiston responded that he believed it would be a one-time expense; but Mr. Baltz, Metro Legal advisor, said that the state law does not appear to allow that option. He noted that, as is frequently the case with new laws, there could be amendments in place before next year that would clarify the requirement.

Several drivers complained that the requirement does not affect limousines, transportation companies and other competitors, including illegitimate taxis operating in the county. **Vice Chair Sammye Woods** explained about past efforts to regulate sedans and limousines. **Chair Cynthia Odle** stated that the law applies to the industries that are regulated by the existing ordinances. She noted that the Commission currently does not have regulatory authority over other transportation industries, but does investigate illegal taxicab operations.

A question was asked about where the fingerprinting would be done. Mr. McQuiston stated that the contract had just been signed with the state's service provider, and that he would meet with their representatives and provide information to the taxi and carriage companies about the entire process before August 6.

Some drivers asked how criminal record information revealed by the TBI/FBI background checks would affect current drivers' permits. Mr. McQuiston responded that the taxicab and horse-drawn carriage ordinances were already specific about what criminal record information would preclude applicants from receiving a permit.

Chair Cynthia Odle asked if there were questions from Commission members. **Commissioner Holly Sharp** asked for clarification on the \$75 fee. Mr. McQuiston explained that the fee included the direct expenses for the fingerprinting and already-existent indirect administrative costs. He stated that, in working arrangements for implementation with the Finance Department, it had been important to both limit these costs and to ensure there would be no net impact on the already-approved FY05 budget.

Commissioner Roger Abramson moved that the Commission amend the Commission Rules on fees for record checks, to increase those fees to \$75, and to require fingerprint-based identification and criminal background checks on all applicants for taxicab and horse-drawn carriage driver permits, beginning immediately. **Commissioner Holly Sharp** seconded. **Vice Chair Sammye Woods** offered a "friendly amendment" requiring the Director to pursue whether cost savings could be achieved, by January 1, 2005. **Commissioner Roger Abramson** accepted the "friendly amendment," and the motion was unanimously approved by the Commission (6-0).

Changes to Taxi Driver Permit Issuance and Renewal Process: Director Brian McQuiston described the current annual renewal process for taxi driver permits. He explained that, under provisions of the taxicab ordinance, all 450-plus permits expire on September 30 each year. This causes an unnecessary surge workload on staff and long lines for drivers at renewal time, and results in new drivers having to renew permits and pay fees twice in one 12-month period. He proposed that the Commission transition to a "rolling" year-round permit expiration/renewal process, similar to the system used for vehicle license plates. This would require a change to Section 6.72.160 of the taxicabs ordinance. He also stated that, because drivers' Department of Transportation medical cards expire between current permit renewals, the transition would coordinate drivers' permit expiration dates with their medical card expiration dates, and improve enforcement of the requirement to ensure medical cards remain current. **Chair Cynthia Odle** then invited comments from the public. One driver stated that this would be an improvement over the current system. **Commissioner Roger Abramson** moved that the Commission approve an amendment of Section 6.72.160 of the taxicab ordinance, to enable the transition to a year-round driver's permit process. **Commissioner Holly Sharp** seconded, and the motion was unanimously approved by the Commission (6-0).

Proposal for Rule Change on Definition of Downtown Area for Taxi Flat Fare: Director Brian McQuiston stated that the definition of "downtown" contained in Commission Rule 23 was ambiguous. He suggested that expansion of development in the downtown area now supported a definition which would encompass a larger area; and recommended that the Commission adopt a definition that would be consistent with those used by the Planning Commission or the Downtown Partnership, and which would be more recognizable for visitors traveling in taxicabs. He presented a map and recommended the proposed downtown area be redefined as the "area inside the Interstate 40/Interstate 24 loop, excluding the area northeast of the Cumberland River; and south of Jefferson Street." **Chair Cynthia Odle** then invited comments from the public. One driver supported the change as beneficial to drivers. A company owner stated that the definition should not exclude the area northeast of the river. Another driver stated that the flat fare was already so abused by some drivers that it should be eliminated completely. **Chair Cynthia Odle** explained the historical background of the flat fare issue. After some discussion, **Commissioner Ray Dayal** moved that the Commission change Rule 23 to define downtown as "the area inside the Interstate 40/Interstate 24 loop, and south of Jefferson Street." **Commissioner Holly Sharp** seconded, and the motion was approved by the Commission (5-1).

Vice-Chair Sammye Woods moved to close the public hearing. **Commissioner Holly Sharp** seconded, and the motion was unanimously approved (6-0).

TAXICAB ISSUE

Update on Consolidation of American Taxi and Music City Taxi: Owner Johnny White appeared before the Commission to report on progress of the merger of American Taxi and Music City Taxi into one company: American Music City Taxi. Mr. White presented photographs of vehicles already painted with the new logo and color scheme. He reported that the Airport Authority required a letter from the Commission approving the merger before they would allow the new vehicles to pick up passengers; and that this had delayed the repainting of vehicles. **Vice-Chair Sammye Woods** asked how long it would take to complete the repainting. Mr. White stated that it would take approximately six months to complete the project, in part because there would be several 1995 vehicles replaced at the end of this year. As this agenda item was for information purposes only, **Chair Cynthia Odle** thanked Mr. White for the update, and there was no Commission action taken.

TAXICAB DRIVER PERMIT

Mr. Jeffrey McDougale appeared before the Commission to request approval for a taxicab driver’s permit. **Chair Cynthia Odle** asked about the 15 prior arrests listed on his application. Mr. McDougale stated that he had been a taxi driver in Arizona for many years, and that none of the arrests listed were related to his professional career. He answered Commissioners’ questions about his residence listed on the application, and about some of the specific crimes listed. **Commissioner Holly Sharp** moved not to issue Mr. McDougale a permit. **Commissioner Gladys Lozada** seconded, and the motion was unanimously approved (6-0).

There being no further business, the meeting was adjourned.

ATTEST:

APPROVED:

Brian E. McQuiston
Director-Executive Secretary

Cynthia M. Odle
Chair